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EXAMINER

MENDOZA JR, JORGE

ART UNIT

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2623

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,434	<b>Applicant(s)</b> KARAOGUZ ET AL.	
	<b>Examiner</b> JORGE MENDOZA JR	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. Claims **1-44** are presented for Examination.
2. Claims **1, 11, 22, 30, and 40** have been amended.

### *Response to Arguments*

3. Applicant's arguments filed **05/22/2008** have been fully considered but they are not persuasive.
  - o Applicant argues that the rejection relying on **Finseth et al. (US Patent No. 6,813,775 B1)** does not describe, teach, or suggest and fails to anticipate the claimed ***“upon said receiving the request for media consumption, from the user at the first location, sending at least one indication of media consumption activity to the at least a second location, via the communication network, if the at least one condition is met,”*** as recited in Claim 1. The Examiner respectfully disagrees with the Applicants arguments. The Finseth et al. reference meets the claimed limitation by teaching the transmittal of a 1<sup>st</sup> user's preference information, containing information regarding the viewing history of television programs selected, to a 2<sup>nd</sup> user via a communication network- whereby this transmittal can be automatic and performed at specific sharing intervals such as daily, weekly, monthly, etc. (*Fig.11; col.10, lines 13-24; col.15, lines 37-50; col.16, lines 12-38*). The Examiner further points out that the claimed limitation does not make specific reference as to the amount of time that has to transgress from the

moment a user makes a request for media consumption to the moment when an indication of such a media request is sent out to a 2<sup>nd</sup> user.

- Applicant argues the rejection relying on Finseth et al. does not anticipate Claim 11. The Examiner respectfully disagrees with the Applicant's arguments as previously discussed above.

- Applicant argues the rejection relying on Finseth et al. does not anticipate Claim 22. The Examiner respectfully disagrees with the Applicant's arguments as previously discussed above.

- Applicant argues the rejection relying on Finseth et al. does not anticipate Claim 30. The Examiner respectfully disagrees with the Applicant's arguments as previously discussed above.

- Applicant argues the rejection relying on Finseth et al. does not anticipate Claim 40. The Examiner respectfully disagrees with the Applicant's arguments as previously discussed above.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims **1-9, 11-19, 21-38, & 40-44** rejected under 35 U.S.C. 102(e) as being anticipated by **Finseth et al. (US Patent No. 6,813,775 B1)**.

With respect to Claim **1**, the claimed "*A method of communication activity information to support user interaction in a communication network, the method comprising: receiving at least one condition, at a first location, the at least one condition defining when an indication of media consumption activity is sent by the first location to at least a second location, via the communication network*" is met by Finseth et al. that teach a method of sharing viewer preference information, between a first user and a second user at distinct locations, whereby the first user can select to regularly share preference information by establishing a share interval (*Figs. 1, 11, & 12; Abstract; col. 12, lines 49-51; col. 15, lines 40-42, line 66 - col. 16, line 3, 12-18, & 29-38*).

The claimed "*receiving a request for media consumption, from a user at the first location;*" is met by Finseth et al. that teach the selection of a particular channel to watch on television 66 using remote control 86 at a first location, 34A, and the subsequent storage of information related to each media program chosen (*Fig. 1 & 3; col. 9, 1-4; col. 10, lines 14-24*).

The claimed "*upon said receiving the request for media consumption, from the user at the first location,* *sending at least one indication of media consumption activity to the at least a second location, via the communication network, if the at least one condition is met; and refraining from sending at least one indication of media consumption activity to the at least a second location, via the communication network, if the at least one condition is not met*" is met by the Finseth et al. reference that teaches the transmittal of

a 1<sup>st</sup> user's preference information, containing information regarding the viewing history of television programs selected, to a 2<sup>nd</sup> user via a communication network- whereby this transmittal can be automatic and performed at specific sharing intervals such as daily, weekly, & monthly (*Fig.11; col.10, lines 13-24; col.15, lines 37-50; col.16, lines 12-38*).

With respect to Claim **2**, the claimed "*wherein each of the first location and the at least a second location are associated with one or more of an Internet protocol (IP) address, a media access control (MAC) address, and/or an electronic serial number (ESN)*" is met by Finseth et al. that teach the use of a the Internet in transferring data to and from receiver stations, 34 (*col.7, lines 44-48; col. 12, lines 42-45; col.14, lines 40-43*). The use of IP addresses is necessary to selectively address and direct data among set-top boxes exchanging data on an Internet network.

With respect to Claim **3**, the claimed "*wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure*" is met by Finseth et al. that teach the use of a communication network such as the Internet (*col.7, lines 44-48; col.12, lines 42-45; col.14, lines 40-43*).

With respect to Claim **4**, the claimed "*wherein the communication network is the Internet*" is met by Finseth et al. that teach the use of a communication network such as the Internet (*col.7, lines 44-48; col.12, lines 42-45; col.14, lines 40-43*).

With respect to Claim **5**, the claimed "*wherein the media comprises at least one or more of audio, a still image, video, real time video, and/or data*" is met by Finseth et al.

that teach the reception by a first user at a first location, receiver station 34, of audio, video, and data signals (*Fig.3; col.7, lines 20-21*).

With respect to Claim **6**, the claimed “*wherein consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data*” is met by (*Fig.3; col.7, lines 22-26, 66-67; col.9, lines 2-3*).

With respect to Claim **7**, the claimed “*receiving an identifier identifying the at least a second location; and the identifier comprising one or more of a legal name, a given name, a screen name, a user identifier, a network identifier, an Internet protocol (IP) address, a media access control (MAC) address, and/or an electronic serial number*” is met by Finseth et al. that teach the use of a name, telephone, or Internet address to indicate a 2<sup>nd</sup> user to whom viewer preference information will be sent to by a 1<sup>st</sup> user (*Figs.7, 9, & 10; col.12, lines 25-29, 42-45; col.14, line 63—col.15, line 23*).

With respect to Claim **8**, the claimed “*wherein the at least one condition comprises one or more of a day, a date, a time, time period, a user identifier, a source of media being accessed, a media channel type, a mode, a media format, a genre, a language, a subject, and/or an artist*” is met by Finseth et al. that teach the selection by a 1<sup>st</sup> user, for the selective transmittal of viewer preference information, of sharing intervals such as a day, a week, & a month. (*Fig.11; col.12, lines 49-51; col.15, lines 30-50*).

With respect to Claim **9**, the claimed “*wherein the at least one indication of media consumption activity comprises one or more of a title, a subject, a user identifier, a source of media being accessed, a media channel type, a mode, a media format, a genre, a language, a subject, and/or an artist*” is met by Finseth et al. that teach the

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transmittal of a viewer's preference information from a 1<sup>st</sup> user to a 2<sup>nd</sup> user, whereby viewer preference information includes: the type and category of the television program, name descriptors that serve to identify the name of the program selected, credit information, and keywords/ phrases used in the description of the program (*col.10, lines 25-32*).

Claim **11** is met as previously discussed with respect to Claim **1**.

Claim **12** is met as previously discussed with respect to Claim **2**.

Claim **13** is met as previously discussed with respect to Claim **3**.

Claim **14** is met as previously discussed with respect to Claim **4**.

Claim **15** is met as previously discussed with respect to Claim **5**.

Claim **16** is met as previously discussed with respect to Claim **6**.

Claim **17** is met as previously discussed with respect to Claim **7**.

Claim **18** is met as previously discussed with respect to Claim **8**.

Claim **19** is met as previously discussed with respect to Claim **9**.

With respect to Claim **21**, the claimed "*initiating, from the first location, an exchange of media between the first location and the at least a second location, if the at least one condition is met; and refraining from initiating, from the first location, an exchange of media between the first location and the at least second location, if the at least one condition is not met*" is met by Finseth et al. that teach a method of sharing viewer preference information, between a first user and a second user at distinct locations, via the use of select receivers designated to function as servers by collecting, combining,



and redistributing the combined preference information to all members of a group, including the 2<sup>nd</sup> user that initially sent their viewer preference information (*col.13, lines 55-62*).

With respect to Claim **22**, the claimed *“a television display, at a first location, to support the consumption of media by a user; a storage, at the first location, communicatively coupled to the television display, and having an associated first network address; set top box circuitry, at the first location, the set top box circuitry communicatively coupling the television display to the communication network”* is met by Finseth et al. that teach the use of a television 66, memory 78, interface 82, and set top box circuitry within receiver 64 having a specific network address at a 1<sup>st</sup> location (*Figs.1 & 3; col.7, lines 19-27; col.14, lines 40-43*).

The claimed *“at least one user defined identifier identifying at least a second location”* is met Finseth et al. that teach the use of a name, telephone, or Internet address to indicate a 2<sup>nd</sup> user from which viewer preference information will be accepted by a 1<sup>st</sup> user (*Fig.14, lines 59-65*). The claimed *“at least one user defined condition for notifying the user”* is met by Finseth et al. that the use of a list of recognizable sources from whom viewing preference information will be accepted as well as the types of preference information that will be accepted (*Fig.15; col.13, lines 4-9; col.17, lines 29-44*).

The claimed *“software that receives at least one indication of media consumption activity from the at least a second location, via the communication network, and that responds by notifying the user if the at least one user defined condition is met upon*

*receipt of a request for media consumption, and that refrains from notifying the user if the at least one user defined condition is met"* is met by Finseth et al. that teach the use of CPU 74 in determining the type and amount of information from a particular source to accept & store (*col.13, lines 4-9; col.17,lines 29-44*).

Claim **23** is met as previously discussed with respect to Claim **5**.

Claim **24** is met as previously discussed with respect to Claim **6**.

Claim **25** is met as previously discussed with respect to Claim **2**.

Claim **26** is met as previously discussed with respect to Claim **3**.

Claim **27** is met as previously discussed with respect to Claim **7**.

With respect to Claim **28**, the claimed "*wherein the at least one user defined condition comprises a day, a date, a time, a time period, a user identifier, a source of media being accessed, a media channel type, a mode, a media format, a genre, a language, a subject, and an artist*" is met by Finseth et al. that teach the use of a name, phone or internet to indicate from which users viewer preference information will be accepted from (*Figs.13 & 14; col.16, lines 40-67*).

Claim **29** is met as previously discussed with respect to Claim **9**.

Claim **30** is met as previously discussed with respect to Claim **1**, since the claims are essentially an interchanging of a 1<sup>st</sup> location with a 2<sup>nd</sup> location.

Claim **31** is met as previously discussed with respect to Claim **2**.  
Claim **32** is met as previously discussed with respect to Claim **3**.  
Claim **33** is met as previously discussed with respect to Claim **4**.  
Claim **34** is met as previously discussed with respect to Claim **5**.  
Claim **35** is met as previously discussed with respect to Claim **6**.  
Claim **36** is met as previously discussed with respect to Claim **7**.  
Claim **37** is met as previously discussed with respect to Claim **8**.  
Claim **38** is met as previously discussed with respect to Claim **9**.  
Claim **40** is met as previously discussed with respect to Claim **22**.  
Claim **41** is met as previously discussed with respect to Claim **5**.  
Claim **42** is met as previously discussed with respect to Claim **6**.  
Claim **43** is met as previously discussed with respect to Claim **3**.  
Claim **44** is met as previously discussed with respect to Claim **9**.

***Claim Rejections - 35 USC § 103***

**6.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7.** Claims **10** & **39** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Finseth et al. (US Patent No. 6,813,775 B1)** in view of **Ellis et al. (US PG Pub 2006/0031883 A1)**.

With respect to Claim **10**, the claimed "*wherein the at least one condition is received from a location remote from the first location, via the communication network*" is not specifically met by the Finseth et al. reference. However, in the same field of endeavor,

Ellis et al. teach a method in which a user can remotely access interactive television program guide equipment 22, via a remote program guide access device 24, to modify program guide functions via a communication network. (*Figs. 1-3; Abstract; paragraphs [0012], [0044], [0053], [0061], [0062], [0064], [0075], [0092]*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have incorporated the teachings of the Ellis et al. reference with those of the Finseth et al. reference in order to allow a user to remotely access/ modify to whom/when viewer preference information will be sent out. A person of ordinary skill in the art would have been motivated to make such a modification to the Finseth et al. reference in order to eliminate the need for a user to be physically present at a first location to access/modify criteria pertinent to their viewer preference information.

Claim **39** is met as previously discussed with respect to Claim **10**.

**8.** Claim **20** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Finseth et al. (US Patent No. 6,813,775 B1)** in view of **Kerman (US Patent No. 5,659,366)**.

With respect to Claim **20**, the claimed "*wherein the notifying comprises one or more of displaying an image, generating sound, and/or illuminating a light emitting diode representing the receipt of the at least one activity indication*" is not specifically taught by the Finseth et al. reference. However, in the same field of endeavor, Kerman teaches the use of a set top box in notifying a user, via a visible alarm and/or an audible alarm (LED or audible beeping tone), of the occurrence of an event- which may be the

reception of a data message (*Fig.2; Abstract; col.1, lines 8-12; col.3, lines 26-32; col.4, lines 48-50, 55-58; col.5, lines 14-15; col.6, lines 47-52*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have incorporated the teachings of the Kerman reference with those of the Finseth et al. reference in order to allow a user to be notified of viewer preference information being received. A person of ordinary skill in the art would have been motivated to make such a modification to the Finseth et al. reference in order to ensure that a user at a 1<sup>st</sup> location is aware of the delivery of viewer preference information from a 2nd location.

### ***Conclusion***

**9. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**10.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Thursday 9:00 am –7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Scott Beliveau** can be reached at (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/JORGE MENDOZA JR/  
Examiner, Art Unit 2623**

**/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2623**